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Attorneys for Petitioner

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS**

F.J.C.G.)	
)	Case No. _____
Petitioner,)	
)	PETITIONER'S EMERGENCY
v.)	MOTION FOR TEMPORARY
)	RESTRAINING ORDER AND
MICHAEL J SMITH , Warden, Broadview)	PRELIMINARY INJUNCTION
Processing Center; LADEON FRANCIS , Director)	
of Chicago Field Office,)	
U.S. Immigration and Customs Enforcement;)	
KRISTI NOEM , Secretary of the U.S. Department)	
of Homeland Security; and PAMELA BONDI ,)	
Attorney General of the United States,)	
in their official capacities,)	
)	
Respondents.)	
_____)	

Petitioner F.J.C.G. respectfully moves for entry of a temporary restraining order and preliminary injunction. Petitioner, who was a resident of Matteson, Illinois at the time of his arrest by U.S. Immigration and Customs Enforcement ("ICE") and other federal agencies and is currently detained in Broadview, Illinois, is in imminent danger of being transferred out of the jurisdiction of this Court and removed from the United States, at which time this Court could potentially permanently lose jurisdiction. Accordingly, Petitioner respectfully requests a temporary injunction for Petitioner to preserve the status quo, enjoining (1) any removal outside

the country pursuant to the Alien Enemies Act (“AEA”), (2) any transfer out of the Northern District of Illinois, and (3) notice to Petitioner, as well as undersigned counsel, of any designation of an Alien Enemy under the Proclamation issued by the White House on March 15, 2025 regarding the “Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de Aragua,” with at least 30 days’ notice prior to any removal under the Proclamation.

The request for a temporary restraining order against Respondents is made pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act. Petitioner is a civil immigration detainee who is at substantial risk of immediate, summary removal from the United States pursuant to the use of the AEA, 50 U.S.C. § 21 *et seq.* against a *non*-state actor for the first time in the country’s history.

As set forth in the accompanying Memorandum of Law, Respondents’ invocation and application of the AEA patently violates the plain text of the statute and exceeds the limited authority granted to the President by Congress. Respondents’ invocation and application of the AEA also violates the Immigration and Nationality Act, statutes providing protection for people seeking humanitarian relief, and due process. In the absence of a temporary restraining order, Petitioner will suffer irreparable injury, and the balance of hardships and the public interest favor relief. Critically, moreover, if Petitioner is removed to the custody of another country, the government’s position is that this Court will lose jurisdiction permanently.

In support of this Motion, Petitioner relies upon the accompanying memorandum in support of a Temporary Restraining Order. Petitioner respectfully requests that this Court grant this emergency application and issue a temporary restraining order as soon as possible.

WHEREFORE, Petitioner respectfully asks this Court to grant his Motion for Temporary Restraining Order.

Dated: April 14, 2025

Respectfully Submitted,

/s/ Laura Smith
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, F.J.C.G., and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 14th day of April, 2025.

/s/ Laura Smith
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